

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Charles R. Yarnell,

Case No. 3:20-cv-2420

Plaintiff,

v.

ORDER

Board of Education of the Springfield  
Local School District, Lucas County, Ohio,

Defendant.

On March 7, 2023, counsel for Plaintiff Charles R. Yarnell filed a notice of suggestion of Mr. Yarnell's death. (Doc. No. 24). Rule 25(a) requires the dismissal of an action if a motion for substitution of a proper party is not made "within 90 days after service of a statement noting the death . . . ." Fed. R. Civ. P. 25(a)(1); *see also Ault v. Oberlin Coll.*, 620 F. App'x 395, 396 n.3 (6th Cir. 2015); *Fossyl v. Milligan*, 317 F. App'x 467, 469 n.1 (6th Cir. 2009). Accordingly, a motion for substitution of a proper plaintiff must be made on or before June 5, 2023, or this case will be dismissed. Defendant's motion for summary judgment will be held in abeyance pending substitution.

So Ordered.

s/ Jeffrey J. Helmick  
United States District Judge